

Please add new claim 77 as follows:

77. (New) An article as in claim 75, wherein said plied yarn is characterized by a secondary twist of at least $\frac{1}{2}$ that of a primary twist of said first fiber bundle and said second fiber bundle.

Please add new claim 78 as follows:

78. (New) An article as in claim 75, wherein said plied yarn is characterized by a secondary ply twist of at least about equal to that of a primary twist of said first fiber bundle and said second fiber bundle.

REMARKS:

The Office, in correspondence dated 08/14/2002, requests affirmation of election of the cited claims and notes formal drawings will be needed. Applicant affirms election and requirement for formal drawings.

The Office rejects claim 17 under 35 USC 112 as dependent on a cancelled claim. Applicant herein amends to incorporate the limitation of the cancelled claim, thereby curing the rejection.

The Office rejects claims 1, 8, 17-19, and 35-38 under 35 USC 102(b) as being anticipated by Opitz' EP 962,562.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.", *Verdegall Bros.*, MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim.", *Richardson*, MPEP 2131. Opitz teaches a core and spun sheath technology for obscuring the core fiber from exposure. The claims as amended herein are distinguished in using fiber bundles comprising a plurality of *substantially parallel laid fibers*, as is described and illustrated

in the specification, in contradiction to Optiz. Applicant requests Optiz be withdrawn as a 102 reference, thus curing this rejection and placing the claims in condition for allowance.

The Office rejects claims 1, 8, 17-19, and 35-38 under 35USC102(b) as anticipated by or in the alternative under 35USC103(a) as obvious over Fels et al's US5514457.

Applicant reiterates its remarks about Optiz to the extent applicable to Fels' spun sheath and core technology, and asserts its claims as amended herein to incorporate substantially parallel laid fibers within its fiber bundles are not present or anticipated in either Optiz or Fels, thus rebutting the 102(b) rejection and place the claims in condition for allowance in this respect.

"When applying 35 U.S.C. 103, the following tenets must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined.", *Hodosh*, MPEP 2141.

The Applicant's claimed invention as amended herein, considered as a whole, describe a different structure than does either or both of Optiz and Fels. Furthermore, Optiz and Fels, each taken as a whole, offers no suggestion of desirability or obviousness in a combination that can be explained to extend to the claimed invention incorporating substantially parallel laid fibers in its fiber bundles. Applicant requests this combination be withdrawn, thereby curing the 103(a) rejection and placing the affected claims in condition for allowance.

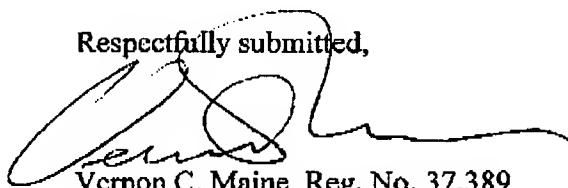
New claims 74 - 78 are added, dependent on claim 1 and incorporating limitations fully described in the specification and initial claims. No new matter is added.

An inventor's Rule 1.132 Statement in support of this response will follow shortly.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389
Scott J. Asmus, Reg. No. 42,269
Neil F. Maloney, Reg. No. 42,833
Attorneys for Applicant

Cus. No. 24222
Maine & Asmus
PO Box 3445
Nashua, NH 03061-3445
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796
Info@maineandasmus.com

S/N 09/943,749. Atty Dkt. No. W0490/7031

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 30 - 34, 39, 44, 45 - 47, 57, 62, 67 – 73, have been cancelled

Claim 1 has been amended as follows:

1. (Amended) An article comprising:

a first fiber bundle formed of a plurality of substantially parallel laid fibers, at least about 5% of the plurality of fibers comprising fibers having a tensile breaking strength of at least about 10 g/Denier, the fiber bundle being constructed such that upon exposure to a fabric dye, the fiber bundle is dyed to an essentially visually uniform color density.

Claim 17 has been amended as follows:

17. (Amended) The article as in claim [13] 1, wherein at least one fiber of the plurality has a tensile breaking strength of less than about 10 g/Denier and said fiber [the at least one fiber of the plurality having] a tensile breaking strength of less than about 10 g/Denier] is formed of a material selected from the group consisting of: polyamides; cellulosic materials; polyesters; acrylic polymers; and polyolefins.

Claim 38 has been amended as follows:

38. (Amended) A method comprising the step of:

dying a fiber bundle formed of a plurality of substantially parallel laid fibers, at least about 5% of the plurality of fibers comprising high tenacity fibers having a tensile breaking strength of at least about 10g/Denier, with a fabric dye to form a dyed fiber bundle having an essentially visually uniform dye color density.

S/N 09/943,749. Atty Dkt. No. W0490/7031

New claims 74 - 78 have been added as follows:

74. (New) An article as in claim 1, further comprising a second fiber bundle plied with said first fiber bundle as a plied yarn.

75. (New) An article as in claim 74, wherein said second fiber bundle is substantially similar in composition and construction to said first fiber bundle.

76. (New) An article as in claim 75, wherein said plied yarn is characterized by a secondary ply twist of at least about $\frac{1}{4}$ that of a primary twist of said first fiber bundle and said second fiber bundle.

77. (New) An article as in claim 75, wherein said plied yarn is characterized by a secondary twist of at least $\frac{1}{2}$ that of a primary twist of said first fiber bundle and said second fiber bundle.

78. (New) An article as in claim 75, wherein said plied yarn is characterized by a secondary ply twist of at least about equal to that of a primary twist of said first fiber bundle and said second fiber bundle.